

1979 WL 43466 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
July 17, 1979

\*1 Mr. Stu Chapman  
Feature Editor  
Legal Aspects of Medical Practice  
777 Third Avenue  
New York, New York 10017

Dear Mr. Chapman:

You have asked this Office for information concerning statute of limitations for medical malpractice suits, as well as physicians' retention of records, as applicable to this State. Enclosed please find a copy of [1976 South Carolina Code § 15-3-545](#) (1977 Act No. 182, § 2), which provides the statute of limitations for medical malpractice suits in South Carolina. This statute applies only to those causes of action arising after June 10, 1977, with the preceding causes of action being governed by [South Carolina Code § 15-3-530](#). (See attachment.)

Also enclosed is [South Carolina Code § 15-3-40](#) (1976 Act No. 695, § 1), as amended, providing for limitations with regard to minors in this State. As provided in this section of the Code, those limitations set forth in [§ 15-3-545](#) or [§ 15-3-530](#) (whichever applies to the particular situation) begin running no longer than one year after the plaintiff reaches majority. [Section 15-3-40](#) is a general statute. There is no specific statute in existence in South Carolina which applies particularly to minors as plaintiffs in malpractice suits.

In regard to your question concerning retention of medical records, please note the enclosed copy of South Carolina Department of Health and Environmental Control Rule and Regulation No. 61-16, § 601.7, which requires that all medical records be retained for ten years. This regulation was approved by the General Assembly on April 23, 1979. The regulations issued by the Department of Health and Environmental Control set out minimum standards by which the Bureau of Health Licensing and Certification can certify the various hospital and institutional general infirmaries around South Carolina, and are incorporated into Code of Laws of the State of South Carolina.

I trust this information answers your question. Please do not hesitate to contact this Office in the event that you need further information.

Yours very truly,

Victor S. Evans  
Deputy Attorney General

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